

R E M A R K S

Claims 1 to 4 and 6 to 10 as set forth in Appendix I of this paper are now pending in this case. Claim 5 has been canceled, and Claim 1 has been amended, as indicated in the listing of the claims.

More specifically, applicants have amended Claim 1 to present the subject matter of Claim 5 in independent form. Also, applicants have corrected a transcription error concerning the reaction temperature.<sup>2)</sup> No new matter has been added.

The Examiner rejected Claims 1, 2, 4, 9 and 10 under 35 U.S.C. §103(a) as being unpatentable in light of the teaching of *Pridgen* (WO 01/04098), and objected to Claims 3 and 5 to 8 as being dependent on a rejected base claim.

Withdrawal of the respective issues is respectfully solicited in light of the foregoing and the attached. As noted, Claim 1 as presented herewith is directed to the subject matter of Claim 5. Claims 2, 4, 9 and 10 depend upon Claim 1 and therefore incorporate the pertinent elements by reference, and the same applies where the subject matter of Claims 3 and 6 to 8 is concerned. If an independent claim is non-obvious under 35 U.S.C. §103, then any claim depending therefrom is non-obvious.<sup>3)</sup> Accordingly, the claims which are presented herewith should be allowable, and the application is deemed to be in good condition for allowance. Favorable action is respectfully solicited.

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2) Cf. page 4, indicated lines 42 to 44, of the application.

3) *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).